

Message Text

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ACTION L-03

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FM AMEMBASSY PRAGUE

TO SECSTATE WASHDC PRIORITY 4206

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E. O. 11652: N/ A

TAGS: CGEN, PFOR, CZ

SUBJECT: CONSULAR CONVENTION NEGOTIATIONS

REF: PRAGUE 0750

1. BEGIN SUMMARY. EXPERT- LEVEL NEGOTIATIONS OF CONSULAR CONVENTION CONCLUDED APRIL 20 WITH AGREEMENT ON ENGLISH AND CZECH TEXTS OF CONVENTION. ALL OF REMAINING SUBSTANTIVE ISSUES WERE RESOLVED IN WAYS ENTIRELY ACCEPTABLE TO US. US SIDE GAVE THOROUGH EXPLANATION OF SUBSTANCE AND APPLICATION OF ITS PROPOSED DRAFT EXCHANGE OF NOTES ON DUAL NATIONALS. WHILE NO AGREEMENT WAS REACHED ON SUBSTANCE OF MATTER, CZECHS PROMISED TO RESOLVE MATTER BEFORE FORMAL GOVERNMENT- LEVEL SESSION ON CONVENTION TO BE HELD AT END OF MAY. END SUMMARY.

2. EMBASSY CONSULAR OFFICERS, DEPARTMENT LEGAL OFFICER, AND MFA CONSULAR AND LEGAL DEPARTMENT OFFICERS MET FOUR TIMES DURING WEEK IN SAME FRIENDLY AND COOPERATIVE ATMOSPHERE AS PREVIOUS SESSIONS. AFTER SETTLING OUTSTANDING SUBSTANTIVE ISSUES AND CLARIFYING MEANING OF SOME PARTS OF CZECH TEXT, BOTH SIDES COMPARED LANGUAGE OF CZECH AND ENGLISH TEXT AND REACHED AGREEMENT ON WORDING OF ALL 42 ARTICLES. ENGLISH TEXT WILL BE POUCHED TO DEPARTMENT NEXT WEEK. CZECH TEXT WILL PROBABLY NOT BE GIVEN TO EMBASSY UNTIL AFTER RETURN OF CZECH NOEGOTIATORS FROM VACATION ON MAY 7. EMBASSY' S RECORD OF NEGOTIATIONS BEING PREPARED AND WILL BE SENT TO DEPARTMENT WHEN COMPLETED.

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3. SUBSTANTIVE ISSUES WHICH WERE DISCUSSED AND RESOLVED ARE AS FOLLOWS:

A. ARTICLE 5- CZECHS AGREED TO ORIGINAL LANGUAGE OF US DRAFT CONVENTION ON NATIONALITY OF CONSULAR OFFICERS.

B. ARTICLE 25- US AGREED TO LIMIT CONSULAR EMPLOYEES TO SINGLE DUTY- FREE ENTRY OF EFFECTS.

C. ARTICLE 26- CZECHS ACCEPTED ADDITION OF US- PROPOSED SPECIFIC PROVISION ON THIRD- PARTY LIABILITY AUTOMOBILE INSURANCE.

D. ARTICLE 30- CZECHS AGREED TO ELIMINATE PROVISION SPECIFYING PERFORMANCE OF MARRIAGES AS NOTARIAL FUNCTION OF CONSULATE AND ON REPORTING PERFORMANCE OF LEGAL ACTS TO LOCAL AUTHORITIES. IN THIS CONNECTION, CZECHS AGREED TO ADDITION OF LANGUAGE TO THIS ARTICLE MAKING CLEAR THAT INDIVIDUALS MUST COMPLY WITH RECEIVING STATE LAWS IN MATTERS SUCH AS REGISTRATION OF BIRTHS AND DEATHS.

E. ARTICLE 33- CZECHS AGREED TO SUBSTITUTE LANGUAGE NEARLY IDENTICAL TO ARTICLE 11 OF US- SOVIET CONVENTION.

F. ARTICLE 34- CZECHS ACCEPTED ADDITION TO PARAGRAPH 4 OF PROVISIO THAT CONSULAR OFFICERS ARE NOT AUTHORIZED TO ACT AS ATTORNEYS. US ACCEPTED TEXT OF PARAGRAPH 5 WITH US AND CZECH ADDITIONS AS REPORTED IN SUBPARAGRAPH 3 C OF REFTEL.

G. ARTICLE 36- CZECHS AGREED TO USE IN ENGLISH TEXT OF " CALENDAR DAYS" IN TIME LIMITS ON NOTIFICATION AND ACCESS. CZECH TEXT WILL USE " DNI."

H. ARTICLE 1 - US AND CZECHS AGREED TO DEFINE " LAW" SEPARATELY IN AGREED MINUTE, TEXT OF WHICH WILL BE TRANSMITTED BY SEPTTEL.

4. DISCUSSION OF SUBSTANCE OF EXCHANGE OF NOTES ON DUAL NATIONALS WAS ONE- SIDED AND DID NOT RESULT IN AGREEMENT. US SIDE EXPLAINED BACKGROUND OF PROPOSAL AND ITS PRACTICAL APPLICATION TO SITUATION WITHIN CZECHOSLOVAKIA. CZECHS SAID THAT NOW THAT AGREEMENT ON TEXT OF CONVENTION HAD BEEN REACHED THEY COULD DEVOTE ATTENTION TO DUAL- NATIONAL QUESTION WHICH WAS ISSUE WHICH INVOLVED SEVERAL OTHER MINISTRIES AND WOULD REQUIRE CONSULTATION WITH THEM. THEY LIMITED OFFICIAL USE

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SAID THAT THEY WERE NOT NOW ABLE TO STATE POSITION OF CZECH

GOVERNMENT OR TO RESPOND TO US PRESENTATION BUT THEAT THEY
REALIZED
THAT AGREEMENT ON ISSUE WAS PRECONDITION FOR SIGNING CONVENTION.
CZECHS PROPOSED THAT SUBSTANTIVE DISCUSSIONS TAKE PLACE IN MID-
MAY (AFTER VACATIONS OF CZECH NEGOTIATORS AND CZECH- ITALIAN
NEGOTIA-
TIONS ON SIMILAR CONVENTION) TO RESOLVE MATTER BEFORE FORMAL
SESSION INVOLVING GOVERNMENT- LEVEL DELEGATIONSAT END OF MONTH.

5. FOR L/ T: CONCERNING OPENING PROVISIONS, CZECH
SIDE EXPLAINED THAT UNDER CZECH LAW TREATY OF THIS TYPE WHICH
IS SUBJECT TO RATIVICATION PROCESS CAN BE CONCLUDED ONLY BY
PRESIDENT. THEREFORE LANGUAGE OF PREAMBLE AND FINAL PROVISIONS
WOULD
HAVE TO REFER EITHER TO PRESIDENT OF CSSR OR TO CSSR WITHOUT MENTION
OF GOVERNMENT. US SIDE EXPLAINED THAT UNDER US LAW AGREEMENT IS
ONE BETWEEN GOVERNMENTS AND THAT, IN VIEW OF US GOVERNMENTAL
SYSTEM, IT WAS PREFERABLE TO REFER TO GOVERNMENT OF USA AND
GOVERNMENT OF CSSR. US SIDE INDICATED, HOWEVER, THAT DEPARTMENT
WOULD BE CONSULTED ON THIS ISSUE. CZECHS ACCEPTED US PROPOSAL THAT
CONVENTION ENTER INTO FORCE 30 DAYS AFTER RATHER THAN ON DAY
OF RATIFICATION.
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*** Current Classification *** LIMITED OFFICIAL USE

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